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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,439	05/25/2001	Edwin Andre Montie	NL 000307	5977

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EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2616

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,439

Applicant(s)

MONTIE ET AL.

Examiner

SHIBRU HELEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/31/02&05/25/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Drawings

1. Figures 1-2 are objected to under 37 CFR 1.83(a) because the proper labels or legend corresponding to all blocks must be provided. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: specification does not follow guidelines.

Appropriate correction is required.

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2616

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuen (US Pat. No.6, 240, 241).

Regarding claim 1, Yuen discloses a method of allocating recording space on a recording medium (see fig. 1 cassette (40)) for recording an entry of predetermined length (see col. 16 lines 19-22), the recording medium having an associated directory (see fig. 17-20 a display of the directory, fig. 3 and col. 7 lines 29-34) listing blocks specifying free space (see fig. 17 and 20 Blank) and previously recorded entries (see fig. 17-20, e.g. INTRODUCTION (7 minutes) in fig. 20), the method comprising the steps:

receiving a start position on the recording medium (see col. 10 line 65-col. 11 line 7 and col. 12 lines 41-45);

determining, with the aid of the directory, the consecutive blocks necessary for recording at least the entry of predetermined length (see fig. 20 Blank with 210 min, the consecutive blocks are created in the blank space, see also col. 7 lines 59-66), starting from the start position (see col. 11 lines 22-28 the start position can be determined using absolute address);

and displaying the directory (see fig. 17-20 a display of the directory and col. 6 lines 16-21), characterized in that the method further comprises the step:

indicating the consecutive blocks in the displayed directory (see fig. 20 Blanks which is displayed with previously recorded programs and indicates a free space available in the medium. It is inherent that there are consecutive blocks of free space within 210 minutes of recording).

Regarding claim 2, Yuen discloses the start position is determined by a search algorithm (col.12 lines 41-45 forwarding or rewinding are the search algorithm, see also the abstract. The program to be recorded in the blank space is assigned with a program name and address. i.e. search is made first to find the location in the free space).

Regarding claim 3, Yuen discloses the start position is determined in that start position input is received from a user (see col. 12 lines 41-45).

Regarding claim 4, Yuen discloses the directory is displayed in text-only format (see fig. 17-20 and col. 16 lines 19-25).

Regarding claim 5, Yuen discloses the consecutive blocks are displayed so as to be discernable from the rest of the displayed directory (see fig. 20 it is inherent that when the user selects Blank, it displays to be discernable from the remaining directory).

Note to the Applicant: The examiner considers the Applicant's "or" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claim 6, Yuen discloses the consecutive blocks are indicated by displaying a frame around the consecutive blocks, highlighting or underlining the consecutive blocks, different from the other directory blocks (see fig. 17 ABC Nightline 12/22 and fig. 20 introduction and see col. 16 lines 19-25 and 39-41, it is inherent that when the user selects Blank, the Blank is highlighted).

Regarding claim 7, Yuen discloses the predetermined length corresponds to an amount of recording time (see fig. 17-20 length of programs, and col. 4 lines 57-61 and col. 16 lines 19-22).

Regarding claim 8, Yuen discloses the predetermined length corresponds to an amount of data (see col. 12 lines 59-col. 13 lines 34, it is inherent that the amount of data is different in SP or SLP mode).

Regarding claim 9, Yuen discloses calculating the difference between the lengths of the consecutive blocks and the predetermined length (playing outfield); and displaying the difference (see fig. 20, it is inherent that the tape had a blank space with 223 minutes before recording “playing outfield”, and to record “playing outfield” 13 minutes of the blank space is required. After the playing outfield is recorded the remaining Blank space is calculated and the difference is displayed).

Regarding claim 10, Yuen discloses, a module (see fig. 1 directory controller 30) for allocating recording space on a recording medium for recording an entry of predetermined length (see col. 16 lines 19-22), the module comprising:

memory (RAM (33) in fig. 1) for storing a directory associated with the recording medium, said directory listing blocks specifying free space and previously recorded entries (see figs. 17-20 and col. 4 lines 63-67); and

processing (see fig. 1 Microprocessor controller (31)) means connected to the memory (see col. 5 line 66- col. 6 line 1) means for receiving a start position on the recording medium (see col. 14 line 64-col. 15 line 11), and for determining the consecutive blocks necessary for recording at least the entry of predetermined length, starting from the start position (see col. 6 line 66-col. 7 line 9, col. 8 line 27-31, and col. 9 lines 56-64, it is inherent that the microprocessor determine the necessary consecutive blocks with in the remaining blank recording time),

characterized in that the processing means indicates the consecutive blocks in the display directory (see fig. 20 Blanks which is displayed with previously recorded programs and indicates a free space available in the medium).

Claim 11 is rejected for the same reason as discussed in claim 2 above.

Claim 12 is rejected for the same reason as discussed in claim 3 above.

Claim 13 is rejected for the same reason as discussed in claim 4 above.

Claim 14 is rejected for the same reason as discussed in claim 5 above.

Claim 15 is rejected for the same reason as discussed in claim 6 above.

Claim 16 is rejected for the same reason as discussed in claim 9 above.

Regarding claim 17, Yuen discloses a video recorder system including the module as claimed in claim 10 (see fig. 1 VCR a block diagram illustrating indexing video cassette recorder that include the module (directory controller (30))).

Regarding claim 18 Yuen discloses a computer program product comprising data and instruction to be loaded into a computer, thereby enabling the computer to carry out the method as claimed in claim 1 (see col. 5 lines 47-55 and line 66-col. 6 lines 15).

Regarding claim 19, Yuen discloses a data carrier provided with the computer program product as claimed in claim 18 (see col. 6 line 66-col. 7 line 8).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujiki (US Pat. No. 5, 737,603) discloses searching a free storage area using the upper and lower range.

Miki (US PAT. No. 5, 107, 481) discloses storing files using used areas, file areas and erased areas.

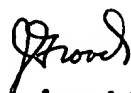
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIBRU HELEN whose telephone number is (571) 272-7329.

The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, NGOC Y. VU can be reached on 571 272 7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru
September 1, 2005


James J. Groody
Supervisory Patent Examiner
Art Unit 262 2616